

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/3/2025

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ELIJAH BLAISE BIEN-AIME,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

24-CV-8797 (JHR) (BCM)

VALENTIN ORDER

BARBARA MOSES, United States Magistrate Judge.

On February 6, 2025, the Court entered an Order of Service and requested that "Captain Kelly (a female NYCDOC Correction Captain assigned to the NYCDOC Rikers Island facility where Plaintiff was held on February 14, 2022) and the City of New York waive service of summonses." (*See* Dkt. 10 at 3.) However, on February 11, 2025, the New York City Department of Correction (NYCDOC) declined to waive service on behalf of defendant Kelly, asserting that the agency required more information to identify "Capt. Kelly." (Dkt. 13.) Defendant City of New York has yet to waive service or appear in this action.

Under *Valentin v. Dinkins*, 121 F.3d 72, 76 (2d Cir. 1997), a pro se litigant is entitled to assistance from the district court in identifying a defendant. Accordingly, it is hereby ORDERED that if plaintiff wishes to pursue his claims against Captain Kelly, he must submit a letter, no later than **March 17, 2025**, providing a more detailed description of Captain Kelly, in order to assist the Law Department and the NYCDOC in identifying her, including:

- (1) the **first name** and **badge number** of Captain Kelly, if known;
- (2) **when** (exact date and approximate time of day) the plaintiff interacted with Captain Kelly;
- (3) **where** (specifically) he interacted with Captain Kelly;
- (2) **how** Captain Kelly approached or interacted with him; and

(3) a **physical description** of Captain Kelly (including approximate height and weight, gender, and skin, eye, and hair color).

Within **30 days** after plaintiff provides this information, the Law Department and the NYCDOC shall identify the defendant whom plaintiff seeks to sue here, if possible, and either list the address(es) where Captain Kelly may be served, or state whether the NYCDOC waives service on her behalf.

Dated: New York, New York
March 3, 2025

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge